

## UNITED STATES DISTRICT COURT

for the

District of Hawaii

In Re Subpoena to Sharktech, Inc.

*Plaintiff*

v.

*Defendant*

Civil Action No. 20-mc-522

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To:

Sharktech, Inc.

Registered Agent: TIM TIMRAWI 3315 E. Russell RD, Las Vegas, NV, 89120

*(Name of person to whom this subpoena is directed)*

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Documents to show the subscriber identification information (name, address, telephone number, email address, payment records) associated with the IP addresses as shown in Exhibit "3" from July 1, 2020 to the present, and the IP address lease log time periods

Place: kculpepper@culpepperip.com; K. Culpepper, 75-170  
Hualalai Road, Suite B204, Kailua Kona, HI 96740

Date and Time:

12/14/2020 2:18 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk**Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Eve Nevada, LLC, who issues or requests this subpoena, are:

Kerry S. Culpepper, 75-170 Hualalai Rd., #B204, Kailua-Kona, HI 96740, kculpepper@culpepperip.com, 808-464-4047

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 20-mc-522

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

NO	IP	PORT	Torrent Hash
8	174.128.250.122	37682	9B208C8DC9C724781FC4B7BD311485D4EF52F170
9	174.128.250.122	57726	9B208C8DC9C724781FC4B7BD311485D4EF52F170
10	174.128.250.122	33666	9B208C8DC9C724781FC4B7BD311485D4EF52F170
11	174.128.250.122	40686	9B208C8DC9C724781FC4B7BD311485D4EF52F170
12	174.128.250.122	60460	9B208C8DC9C724781FC4B7BD311485D4EF52F170
17	174.128.250.122	20528	A16A3EFC72A87B15B786B5817BAD892D29187E71
18	174.128.250.122	36342	A16A3EFC72A87B15B786B5817BAD892D29187E71
25	174.128.250.122	41262	D1B9C2C7649EF7607265F93A56E866A06CC648E4
26	174.128.250.122	59866	D1B9C2C7649EF7607265F93A56E866A06CC648E4
37	174.128.250.122	44710	4238E33BDC5AB848021DED2B5457419DF56FFF9A
38	174.128.250.122	51082	D1B9C2C7649EF7607265F93A56E866A06CC648E4
39	174.128.250.122	27760	D1B9C2C7649EF7607265F93A56E866A06CC648E4
59	174.128.250.122	29446	9B208C8DC9C724781FC4B7BD311485D4EF52F170
60	174.128.250.122	62894	9B208C8DC9C724781FC4B7BD311485D4EF52F170
61	174.128.250.122	52018	9B208C8DC9C724781FC4B7BD311485D4EF52F170
62	174.128.250.122	20232	9B208C8DC9C724781FC4B7BD311485D4EF52F170
118	198.54.128.19	57378	9B208C8DC9C724781FC4B7BD311485D4EF52F170
119	198.54.128.19	47156	9B208C8DC9C724781FC4B7BD311485D4EF52F170
120	198.54.128.19	61888	9B208C8DC9C724781FC4B7BD311485D4EF52F170
121	198.54.128.19	33646	9B208C8DC9C724781FC4B7BD311485D4EF52F170
122	198.54.128.19	27250	9B208C8DC9C724781FC4B7BD311485D4EF52F170
123	198.54.128.19	28702	9B208C8DC9C724781FC4B7BD311485D4EF52F170
124	198.54.128.19	20638	9B208C8DC9C724781FC4B7BD311485D4EF52F170
125	198.54.128.19	49754	9B208C8DC9C724781FC4B7BD311485D4EF52F170
134	198.54.128.19	53762	F3882AE352BDE394F46F41B675E60BB584C0573E
135	198.54.128.19	30860	F3882AE352BDE394F46F41B675E60BB584C0573E
139	198.54.128.19	37412	4238E33BDC5AB848021DED2B5457419DF56FFF9A
140	198.54.128.19	32142	4238E33BDC5AB848021DED2B5457419DF56FFF9A
141	198.54.128.19	46096	4238E33BDC5AB848021DED2B5457419DF56FFF9A
142	198.54.128.19	36598	4238E33BDC5AB848021DED2B5457419DF56FFF9A
143	198.54.128.19	56864	4238E33BDC5AB848021DED2B5457419DF56FFF9A

NO	IP	Torrent Name	Transfer End
8	174.128.250.122	Ava.2020.1080p.WEB-DL.DD5.1.H264-FGT	8/24/2020 20:30
9	174.128.250.122	Ava.2020.1080p.WEB-DL.DD5.1.H264-FGT	8/24/2020 20:40
10	174.128.250.122	Ava.2020.1080p.WEB-DL.DD5.1.H264-FGT	8/24/2020 20:50
11	174.128.250.122	Ava.2020.1080p.WEB-DL.DD5.1.H264-FGT	8/24/2020 21:20
12	174.128.250.122	Ava.2020.1080p.WEB-DL.DD5.1.H264-FGT	8/24/2020 21:40
17	174.128.250.122	Ava.2020.1080p.WEBRip.x264-RARBG	9/4/2020 2:46
18	174.128.250.122	Ava.2020.1080p.WEBRip.x264-RARBG	9/4/2020 2:48
25	174.128.250.122	Ava (2020) [1080p] [WEBRip] [5.1] [YTS.MX]	9/7/2020 3:51
26	174.128.250.122	Ava (2020) [1080p] [WEBRip] [5.1] [YTS.MX]	9/7/2020 3:53
37	174.128.250.122	Ava (2020) [1080p] [BluRay] [5.1] [YTS.MX]	9/26/2020 20:07
38	174.128.250.122	Ava (2020) [1080p] [WEBRip] [5.1] [YTS.MX]	9/27/2020 2:12
39	174.128.250.122	Ava (2020) [1080p] [WEBRip] [5.1] [YTS.MX]	9/27/2020 2:12
59	174.128.250.122	Ava.2020.1080p.WEB-DL.DD5.1.H264-FGT	10/21/2020 1:29
60	174.128.250.122	Ava.2020.1080p.WEB-DL.DD5.1.H264-FGT	10/21/2020 1:29
61	174.128.250.122	Ava.2020.1080p.WEB-DL.DD5.1.H264-FGT	10/21/2020 2:30
62	174.128.250.122	Ava.2020.1080p.WEB-DL.DD5.1.H264-FGT	10/21/2020 2:30
118	198.54.128.19	Ava.2020.1080p.WEB-DL.DD5.1.H264-FGT	8/24/2020 1:11
119	198.54.128.19	Ava.2020.1080p.WEB-DL.DD5.1.H264-FGT	8/24/2020 1:11
120	198.54.128.19	Ava.2020.1080p.WEB-DL.DD5.1.H264-FGT	8/24/2020 1:20
121	198.54.128.19	Ava.2020.1080p.WEB-DL.DD5.1.H264-FGT	8/24/2020 1:21
122	198.54.128.19	Ava.2020.1080p.WEB-DL.DD5.1.H264-FGT	8/24/2020 1:30
123	198.54.128.19	Ava.2020.1080p.WEB-DL.DD5.1.H264-FGT	8/24/2020 1:40
124	198.54.128.19	Ava.2020.1080p.WEB-DL.DD5.1.H264-FGT	8/24/2020 1:50
125	198.54.128.19	Ava.2020.1080p.WEB-DL.DD5.1.H264-FGT	8/24/2020 2:00
134	198.54.128.19	Ava.2020.WEB-DL.x264-FGT	8/29/2020 2:18
135	198.54.128.19	Ava.2020.WEB-DL.x264-FGT	8/29/2020 2:18
139	198.54.128.19	Ava (2020) [1080p] [BluRay] [5.1] [YTS.MX]	9/16/2020 6:59
140	198.54.128.19	Ava (2020) [1080p] [BluRay] [5.1] [YTS.MX]	9/16/2020 7:20
141	198.54.128.19	Ava (2020) [1080p] [BluRay] [5.1] [YTS.MX]	9/16/2020 8:00
142	198.54.128.19	Ava (2020) [1080p] [BluRay] [5.1] [YTS.MX]	9/16/2020 8:44
143	198.54.128.19	Ava (2020) [1080p] [BluRay] [5.1] [YTS.MX]	9/16/2020 9:55